

II. REMARKS

A. State of the Claims

Claims 54, 56-73, and 75-81, 83-87, 91-96, 98-14, and 118-121 were pending at the time of the Action. Claims 58 and 73 are amended in the Amendment submitted herewith. Claims 92, 96, 99, 111, and 121 are canceled without prejudice or disclaimer in the Amendment submitted herewith. Therefore, claims 54, 56-73, 75-81, 83-87, 91, 93-95, 98, 100-110, 112-114, and 118-120 are currently pending.

B. The Rejections under 35 U.S.C. § 112, First Paragraph, Are Overcome

The Action rejects claims 73, 75-79, 98, 104-114, 118, and 120 under 35 U.S.C. § 112, first paragraph, based on both written description and lack of enablement grounds. This rejection is essentially the same as previous rejections in this case based on the reference Khesin *et al.*

Applicants continue to assert that these rejections are improper, as has been discussed extensively in previous papers Applicants have filed in this case, which arguments are incorporated herein by reference.

However, in order to progress the instant case toward allowance, Applicants have amended claim 73 to incorporate the subject matter of previous claim 121 into independent form. As indicated in the Action at page 5, line 23, this renders claim 73 and all those claims dependent from it allowable.

Therefore, all rejections under 35 U.S.C. § 112, first paragraph, has been overcome. This amendment to claim 73 is made without acquiescence in regard to the arguments previously raised against the rejections under 35 U.S.C. § 112, first paragraph, and Applicants reserve the right to prosecute claims of differing scope in any further applications they may choose to file.

C. The Rejections to Claims 58, 92 and 99 under 35 U.S.C. § 112, Second Paragraph, Are Overcome

The Action rejected claims 58, 92, and 99 as being indefinite under 35 U.S.C. § 112, second paragraph.

Claim 58 has been amended in a manner suggested by the Examiner in the Action. Therefore, it is believed that the rejection to this claim under 35 U.S.C. § 112, second paragraph, has been overcome. Further, claims 92 and 99 have been canceled from the instant case without prejudice or disclaimer.

In view of the above, all of the rejections under 35 U.S.C. § 112, second paragraph, have been overcome.

D. The Rejections to Claims 92, 96, 99 and 101 under 35 U.S.C. § 112, Fourth Paragraph, Are Overcome

The Action rejects claims 92, 96, 99, and 111 under 35 U.S.C. § 112, fourth paragraph, as being improperly dependent for failing to further limit the subject matter of the previous claim.

Applicants do not agree with the Action's statements in this regard, and believe that all of these claims were proper dependent claims within the strictures of 35 U.S.C. § 112, fourth paragraph. However, in order to progress this case toward allowance, Applicants have chosen to cancel claims 92, 96, 99, and 111 from the present case, without prejudice or disclaimer. Obviously, in view of the fact that these are dependent claims, the scope of the claims from which they depend is not affected by this cancellation.

In view of the above, all of the rejections under 35 U.S.C. § 112, fourth paragraph, have been overcome.

E. Conclusion

Applicants believe that this response places all of the pending claims in condition for allowance pursuant to the statements in the Action.

Should the Examiner have any questions or comments, he is respectfully requested to contact Applicants' representative at (512) 536-3035.

Respectfully submitted,

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